

Enrolled House Bill 2697

Sponsored by Representatives SMITH DB, GOMBERG, FAHEY, Senator MANNING JR; Representatives CAMPOS, CLEM, DEXTER, GRAYBER, HELM, HOLVEY, KROPP, LEIF, LEVY, MOORE-GREEN, NATHANSON, NERON, OWENS, PRUSAK, REARDON, REYNOLDS, RUIZ, SCHOUTEN, SMITH G, SMITH WARNER, SOLLMAN, VALDERRAMA, WEBER, WITT, WRIGHT, ZIKA, Senators FREDERICK, WAGNER (at the request of former Representatives Caddy McKeown, Cheri Helt and former Senator Arnie Roblan) (Pre-session filed.)

CHAPTER

AN ACT

Relating to school inclusivity.

Be It Enacted by the People of the State of Oregon:

SECTION 1. (1) As used in this section:

(a)(A) "Bias incident" means a person's hostile expression of animus toward another person, relating to the other person's perceived race, color, religion, gender identity, sexual orientation, disability or national origin, of which criminal investigation or prosecution is impossible or inappropriate.

(B) "Bias incident" may include derogatory language or behavior.

(b) "Education program" means any program, service, school or activity sponsored by an education provider.

(c) "Education provider" means:

(A) A school district;

(B) A public charter school;

(C) The Oregon School for the Deaf;

(D) An education service district;

(E) An educational program under the Youth Corrections Education Program or the Juvenile Detention Education Program, as those terms are defined in ORS 326.695; or

(F) A program that receives moneys pursuant to ORS 343.243.

(d) "School property" means any property under the control of an education provider.

(e) "Symbol of hate" means nooses, symbols of neo-Nazi ideology or the battle flag of the Confederacy.

(2)(a) To comply with the prohibition on discrimination required by ORS 659.850, an education provider must prohibit the display of symbols of hate on school property or in an education program.

(b) The prohibition required by this subsection does not apply to displays that align with and are used in conjunction with state standards of education for public schools.

(3) To comply with the prohibition on discrimination required by ORS 659.850, each education provider must adopt a policy to address bias incidents and displays of symbols of hate. The policy must:

(a) Affirm that all students are entitled to a high quality educational experience free from discrimination or harassment based on perceived race, color, religion, gender identity, sexual orientation, disability or national origin.

(b) Affirm that all employees of education providers are entitled to work in an environment that is free from discrimination or harassment based on perceived race, color, religion, gender identity, sexual orientation, disability or national origin.

(c) Affirm that all visitors of an education provider are entitled to participate in a school or educational environment that is free from discrimination or harassment based on perceived race, color, religion, gender identity, sexual orientation, disability or national origin.

(d) Prohibit the display of symbols of hate on school property or in an education program.

(e) Establish procedures for addressing bias incidents and displays of symbols of hate.

The procedures must:

(A) Apply broadly to include persons directly targeted by an act, as well as the community of students as a whole who are likely to be impacted by the act.

(B) Require the education provider to prioritize the safety and well-being of all persons impacted by the act.

(C) Require the education provider to recognize the experience of all persons impacted by the act, acknowledge the impact, commit to taking immediate action and commit to preventing further harm against those persons impacted.

(D) Include educational components that:

(i) Address the history and impact of bias and hate;

(ii) Advance the safety and healing of those impacted by bias and hate; and

(iii) Promote accountability and transformation for people who cause harm as well as transformation of the conditions that perpetuated the harm.

(E) Include communication protocols that provide all persons impacted by the act with information relating to the investigation and outcome of the investigation, including:

(i) Notice that an investigation has been initiated;

(ii) Notice when an investigation has been completed;

(iii) The findings of the investigation and the final determination based on those findings;

(iv) Actions taken to remedy a person's behavior and prevent reoccurrence; and

(v) When applicable, the legal citation of any law prohibiting the disclosure of any of the information described in this subparagraph and an explanation of how that law applies to the current situation.

(F) Direct the education provider to consider whether the act implicates other civil rights laws and, if so, to respond accordingly. The nature of the act must determine:

(i) The process used to respond to the act;

(ii) The rights and protections available to the person impacted by the act; and

(iii) The right to appeal to the Department of Education or to the United States Department of Education.

(G) Require the education provider to develop and implement instructional materials to make this policy and related practices, including reporting procedures, educational processes and possible consequences, known to all employees and students of the education provider.

(4) Any education provider that violates this section or a policy adopted under this section shall be:

(a) Considered to be in noncompliance with the provisions of ORS 659.850;

(b) Subject to the sanctions for noncompliance of ORS 659.850 under ORS 659.855; and

(c) Subject to the enforcement provisions of ORS 659.850 by ORS 659.860.

Passed by House April 10, 2021

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Timothy G. Sekerak, Chief Clerk of House

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Tina Kotek, Speaker of House

Passed by Senate May 20, 2021

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Peter Courtney, President of Senate

Received by Governor:

.....M.,....., 2021

Approved:

.....M.,....., 2021

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Kate Brown, Governor

Filed in Office of Secretary of State:

.....M.,....., 2021

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Shemia Fagan, Secretary of State